

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

MARY ANDREWS, EARVIN KYLES,)	
DYLAN BERTUCCI, and JOHN)	
HAMRIC, On Behalf of Themselves and)	
All Others Similarly Situated,)	CLASS AND COLLECTIVE
)	ACTION
<i>Plaintiffs,</i>)	
)	CASE NO. 1:14-cv-00135
v.)	
)	JUDGE HAYNES
TRG Customer Solutions, Inc. d/b/a IBEX)	
Global Solutions,)	
)	
<i>Defendant.</i>)	

~~PROPOSED~~ **AGREED ORDER**

This matter is before the Court on the parties' Joint Motion to Stay Proceedings Pending Arbitration and to Extend Deadline for Opt-In Plaintiffs to Join Case.

For the reasons discussed in the parties' Joint Motion, the Court issues the following order in accordance with the parties' Agreement to Arbitrate Claims and Conditionally Certify Collective Action (the "Agreement") (Doc. No. 144-1) and this Court's Order enforcing such Agreement (Doc. No. 146) ("Order"):

1. This action is stayed, pending the arbitration of Plaintiffs' claims in accordance with the terms set forth in the Agreement and Order.
2. M. Reid Estes, Jr. of Dickinson Wright PLLC is appointed Arbitrator for this matter, in accordance with the Agreement and Order.
3. This Court retains jurisdiction to enforce the Arbitrator's rulings in the arbitration.
4. Within sixty (60) days of the Arbitrator's final ruling in this matter, the parties shall move to dismiss this action.

5. All Opt-In Plaintiffs who have asserted FLSA claims by filing a consent to join form in this action as of the date of this Order are considered as timely filed and shall proceed to arbitration in accordance with the terms set forth in the Agreement and Order. Should any dispute arise after the date of this Order as to whether an individual has properly joined this action, the Arbitrator shall decide such issue.

6. No other individuals may join this action as Opt-In Plaintiffs to assert their FLSA claims.

7. This Court's Order during the September 9, 2016 show cause hearing is modified to relieve Defendant of any obligation to produce arbitration agreements for putative Rule 23 class members, other than the Opt-In Plaintiffs, based on Defendant's representations that all putative class members are covered by the Agreement, regardless of whether Defendant has maintained copies of signed written arbitration agreements for a particular putative class member.


8. Based on Defendant's representation that its company-wide arbitration policy is a condition precedent to employment, Defendant shall not raise any defense in this action, including in arbitration, to any of Plaintiffs' claims, including Plaintiffs' Rule 23 claims, that their claims should fail, that their claims should not be certified, or that their claims should not be subject to arbitration, because some opt-in or Rule 23 putative class members either allegedly did not sign arbitration agreement or that Defendant cannot locate such agreements.

9. This Court's Order during the September 9, 2016 show cause hearing is modified to relieve Defendant of any obligation to pay Plaintiffs' attorneys' fees, as requested by Plaintiffs' June 14, 2016 Show Cause Motion (Doc. No. 308), without prejudice to a later motion by Plaintiffs' seeking to recover these fees as part of a fee petition not related to their request for

sanctions. Rather, these fees may be included in any fee petition if Plaintiffs are successful in this case and that Plaintiffs may recover such fees in any settlement of this case. However, Defendant shall pay Plaintiffs' counsel \$9,817.50 for Plaintiffs' expenses sought in their June 14, 2016 Show Cause Motion. Payment for such expenses shall be delivered to Plaintiffs' counsel within thirty (30) days of this Order.

It is so ORDERED.

Entered this 31st day of October, 2016.



SENIOR JUDGE WILLIAM J. HAYNES
UNITED STATES DISTRICT COURT

SUBMITTED FOR ENTRY BY:

Dated: October 28, 2016

/s/ David W. Garrison

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